

REMARKS

The Final Office Action mailed January 3, 2005, has been received and reviewed. Claims 1-25 are currently pending in the application. Claims 1-25 stand rejected. No claims have been amended. Applicants respectfully request reconsideration of the application in light of the arguments presented herein.

Double Patenting Rejections Based on U.S. Patent Nos. 6,416,601 and 6,610,156

Claims 1-25 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-21 of U.S. Patent No. 6,416,601 and over claims 1-4 and 11-15 of U.S. Patent No. 6,610,156.

Applicants note that two terminal disclaimers were submitted with Applicants' response filed on August 9, 2004, which is evidenced by the response itself and by the date-stamped postcard returned by the United States Patent and Trademark Office ("Office"). One of these terminal disclaimers included a disclaimer to U.S. Patent No. 6,416,601, while the second terminal disclaimer included a disclaimer to U.S. Patent No. 6,610,156. However, based on the rejection in the Final Office Action, it appears that the Examiner only received the terminal disclaimer for U.S. Patent No. 6,416,601.

Applicants resubmit herein the terminal disclaimer for U.S. Patent No. 6,610,156. A copy of the date-stamped postcard evidencing receipt of this document by the Office on August 9, 2004, is also enclosed.

Since the Final Office Action indicates that "[t]he terminal disclaimer filed on 8/9/04 has not been approved since it does not include a disclaimer to patent number 6,610,156," a copy of the terminal disclaimer for U.S. Patent No. 6,416,601 is also resubmitted herein for the convenience of the Examiner. Applicants note that separate terminal disclaimers have been filed for U.S. Patent Nos. 6,416,601 and 6,610,156.

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Applicants also note that two checks for the necessary fees for filing the Terminal Disclaimers were included with the response filed on August 9, 2004, copies of which are enclosed. As such, Applicants believe that no additional fees are required. However, if the Office determines that any additional fees are required, the Commissioner is authorized to charge any such fees to TraskBritt Deposit Account No. 20-1469.

Applicants respectfully submit that since this mistake was a mistake by the Office, Applicants' response filed on August 9, 2004, should be considered responsive and complete. Applicants also respectfully submit that this Communication is intended to be fully responsive to the Final Office Action.

CONCLUSION

Claims 1-25 are believed to be in condition for allowance, and an early notice thereof is respectfully solicited. Should the Examiner determine that additional issues remain which might be resolved by a telephone conference, she is respectfully invited to contact Applicants' undersigned attorney.

Respectfully submitted,



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Salt Lake City, Utah 84110-2550
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Date: February 4, 2005

KAH/ps:ljb

Document in ProLaw



PTO/SB/26 (10-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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TERMINAL DISCLAIMER TO OBLIVIATE A DOUBLE PATENTING
REJECTION OVER A PRIOR PATENTDocket Number (Optional)
2507-5792.2US
(21777-US-02)

In re Application of: Warner et al.

Application No.: 10/646,419

Filed: August 22, 2003

For: METHOD FOR RECOVERY OF NITRAMINES FROM ALUMINIZED ENERGETIC MATERIALS

The owner*, Alliant Techsystems Inc., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,416,601. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. The undersigned is an attorney of record.

Katherine A. Hamer

Signature

8/6/04

Date

Katherine A. Hamer

Typed or printed name
Reg. No. 47,628

- Terminal disclaimer fee under 37 CFR 1.20(d) is included.

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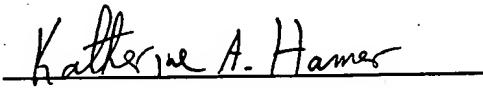
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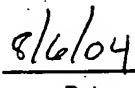
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2. The undersigned is an attorney of record.



Signature



Date

Katherine A. Hamer

Typed or printed name
Reg. No. 47,628

- Terminal disclaimer fee under 37 CFR 1.20(d) is included.

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Invention: METHOD FOR RECOVERY OF NITRAMINES
FROM ALUMINIZED ENERGETIC MATERIALS

Applicant(s): K. Warner

Filing Date: August 22, 2003

Serial No.: 10/646,419

Date Sent: August 6, 2004 via first class mail

Docket No.: 2507-5792.2US

KAH/ljb





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